

11-03-04

RCE  
2115

Attorney Docket No.: 016295.0402

PATENT

Express Mail Label No.: EV 448727717 US

Date of Deposit with Express Mail: November 2, 2004

NOV 02 2004 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent & Trademark Office  
In the application of:

Frazier, Alan J.

§

Group Art Unit: 2115

Application Serial No.: 09/473,851

§

Examiner: Albert C. Wang

Filed: December 27, 1999

§

Invention: System and Method for Device  
Configuration and Management  
Using a Universal Serial Bus Port

§  
§  
§

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) (37 C.F.R. 1.114)  
AND PETITION FOR EXTENSION OF TIME**

Applicant hereby requests continued examination, in accordance with 37 C.F.R.  
§ 1.114, for the above-identified application.

This request is being submitted before (i) the abandonment of this application;  
(ii) payment of the issue fee; (iii) the filing of a notice of appeal to the U.S. Court of Appeals for  
the Federal Circuit; or (iv) the commencement of a civil action under 35 U.S.C. § 145 or 35  
U.S.C. § 146.

Included herewith is an Amendment and Remarks to the Office Action mailed  
May 26, 2004 and the Advisory Action mailed September 3, 2004.

11/04/2004 HALI11 00000060 09473851

01 FC:1801 790.00 OP  
02 FC:1252 430.00 OP

**Petition for Extension of Time**

Applicant petitions for a two-month extension of time under 37 C.F.R. 1.136 up to and including November 3, 2004. A fee in the amount of \$430.00 for a two-month extension of time is included.

A check in the amount of \$1220.00 is included herewith for the continued prosecution request fee (\$790.00) and a fee for a two-month extension of time (\$430.00). Applicant hereby authorizes the Patent and Trademark Office to charge deposit account number 02-0383 for any other charges necessary for the filing of this Request for Continued Examination.

**Timeliness of the Request for Continued Examination**

The filing of this Request for Continued Examination is timely and a two-month extension, as opposed to a three-month extension of time, is required. When the applicant files a response to a final office action within two months of the mailing date of the final office action, and when the examiner mails the advisory action after the end of the three-month shortened statutory period, any extension of time is measured from the mailing date of the advisory action. Manual of Patent Examining Procedure, 706.07(f), Part I.

A final office action was issued in this application on May 26, 2004. A response to the final office action was filed within two months of the mailing date of the final office action. Attached as Exhibit A is a confirmation facsimile transmission from the U.S. Patent and Trademark Office, which indicates that the response to the final office action was received on July 26, 2004. The examiner did not mail an advisory action until September 3, 2004, which is after the end of the three-month shortened statutory period. As such, any extensions of time for

this application are calculated from September 3, 2004, which is the mailing date of the advisory action, and the required extension of time for this filing is a two-month extension of time.

If a three-month extension of time is required, Applicant authorizes the U.S. Patent and Trademark Office to charge deposit account no. 02-0383 (016295.0402) for the amount necessary for the required extension of time.

Respectfully submitted,



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Roger Fulghum  
Registration No. 39,678

Baker Botts L.L.P.  
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One Shell Plaza  
Houston, Texas 77002-4995  
Tel: (713) 229-1707

Date: November 2, 2004

Attorney Docket Number: 016295.0402

# Exhibit A

# Auto-Reply Facsimile Transmission



TO: Fax Sender at 713 229 1522

Fax Information

Date Received:

7/26/2004 6:39:45 PM [Eastern Daylight Time]

Total Pages:

11 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
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07/26/04 MON 17:32 FAX 713 229 1522		BAKERBOTTSLLP 001	
<b>BAKER BOTT'S LLP</b> For facsimile not to be confirmed by phone unless requested.			
FROM	Roger Fulghum	AUSTIN	SACRAMENTO
DATE	July 26, 2004	DALLAS	HOUSTON
PAGES	11 (including cover)	HOUSTON	LONDON
		MOSCOW	NEW YORK
		RYAHD	WASHINGTON
TO	Mr. Albert Wang Examiner - U.S.P.T.O.	VOICE NO. 713.229.1707 FAX NO. 713.229.1522 RETURN TO Roger Fulghum	VOICE NO. 703.872.9306 FAX NO. 703.872.9306 VOICE NO. 703.345.5385
<b>MESSAGE</b>			
Please direct this facsimile to patent examiner Albert Wang in Art Unit 2115. This facsimile concerns the following patent application			
Serial No. 09/473,851 Applicant: Alan J. Frazier Filed: December 27, 1999 Invention: System and Method for Device Configuration and Management Using a Universal Serial Bus Port			
<b>Notice of Confidentiality</b> The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-Client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP, by telephone at 713.229.1730 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.			
If you do not receive all pages, please call 713.229.1730 or 713.229.1521 for assistance. PAGE 1/11 RCV'D AT 7/26/2004 6:39:45 PM [Eastern Daylight Time] BY USPTO-EFXRF-IN DMIS 4729361 CSD 713 229 1522 DURATION (m-s) 03:08			



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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Frazier, Alan J. § Group Art Unit: 2115  
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Application Serial No.: 09/473,851 § Examiner: Albert C. Wang  
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Filed: December 27, 1999 §  
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Invention: System and Method for Device §  
Configuration and Management §  
Using a Universal Serial Bus Port §

**AMENDMENT AND REMARKS**

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In response to the Office Action mailed May 26, 2004 and the Advisory Action mailed September 3, 2004, Applicant submits this response and respectfully requests reconsideration of the Examiner's objections and rejections.